IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 965 OF 2006

Borse Ravindra Sukhdev.... Petitioner

versus

Secretary, Vangaon Education
Society and ors. . .... Respondents.

Mr. M.S.Lagu for the petitioner.
Shri R.D.Rane for Respdt. 3 to 5
Shri D.K.Ghaisas for Respdt 1/2.

CORAM; V.G.PALSHIKAR &
V.R.KINGAONKAR, JJ.

DTAED: 19TH APRIL,2006.

P.C.

1. By this petition, the petitioner who was an employee of Ashramshala has challenged his termination from service on the ground that the termination ordered is infact a punishment meted out to the petitioner for alleged misconduct and therefore without holding a departmental enquiry such punishment cannot be inflicted and hence this court should interfere.

2. Earlier a Writ petition was filed in this court seeking the same relief. It was W.P.No. 8524/04. In

that, affidavit in reply on behalf of the Education Society was filed in which the following statements were made.

3. That there were numerous complaints about indiscipline, insubordination and misbehaviour on the part of petitioner, and that the petitioner had written abnoxious letters/notes to the Head Mistress of the school as a consequence of which the marriage of the Head Mistreess was broken resulting in mental agony and torture of the Head Mistress.

4. Then in para 5 it was categorically stated that it is not possible to retain the petitioner in the school because it results in polluting the entire admosphere of the school.

5. Then it is contended that factually the respondent no.1 had started initiating disciplinary proceeding against the petitioner but to avoid any character assassination, the respondent no.1 Head Mistress had resorted to the action of termination of service.

6. Then in para 7 of the affidavit he stated that if inspite of what has been set out hereinabove, this court desires that the petitioner should be allowed to

resume duties, the respondent no.1 will do so after transfering the petitioner to any other school. That petition was dismissed by passing the following order.

" Heard the learned advocates for the parties, perused the affidavit in reply filed by the respondent. The petition is dismissed".

7. Therefore, it will be clear from the affidavit that if this court desires that the petitioner, an employee of the kind, should resume the duties then respondent no.1 society be permitted to hold a departmental enquiry. But this court did not so wish is clear from the dismissal of the earlier petition. We are also shared the same view. Hence this petition is also dismissed.

...